

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

CHIEF HEARING OFFICER DIRECTIVE

DOCKET NOS. 2021-88-E, 2021-89-E, and 2021-90-E ORDER NO. 2021-46-H

APRIL 16, 2021

CHIEF HEARING OFFICER: David Butler

DOCKET DESCRIPTION:

Dominion Energy South Carolina, Incorporated's ("DESC's") 2021 Avoided Cost Proceeding Pursuant to S.C. Code Ann. Section 58-41-20(A)

Duke Energy Carolinas, LLC's ("DEC's") 2021 Avoided Cost Proceeding Pursuant to S.C. Code Ann. Section 58-41-20(A)

Duke Energy Progress, LLC's ("DEP's") 2021 Avoided Cost Proceeding Pursuant to S.C. Code Ann. Section 58-41-20(A)

MATTER UNDER CONSIDERATION:

Petitions to Intervene of Johnson Development Associates, Inc.

CHIEF HEARING OFFICER'S ACTION:

This matter comes before the Chief Hearing Officer on the Petitions to Intervene of Johnson Development Associates, Inc. ("JDA") in the three Avoided Cost Proceedings described above.

Under Commission regulation, the Commission must determine whether or not the petitioning party has clear factual support or grounds for the proposed intervention. S.C. Regs. 103-825A(3) requires that parties filing a Petition to Intervene in a matter pending before the South Carolina Public Service Commission must set forth clearly and concisely:

(a) The facts from which the nature of the petitioner's alleged right or interest can be determined;

(b) The grounds of the proposed intervention;

(c) The position of the petitioner in the proceeding.

In the present cases, JDA clearly set out the facts from which the nature of the right or interest can be determined, the grounds of the proposed intervention, and its position. JDA notes that the cases present essentially the same issues raised in the 2019 Avoided Cost Dockets, and JDA seeks to intervene in these Dockets in order to again represent and protect its unique interests directly impacted in these proceedings. JDA states that it has a substantial and specific economic interest in the development of renewable energy in South

Carolina and the Commission's consideration of the matters under the Act. JDA, a South Carolina Corporation founded in 1986 and headquartered in Spartanburg, South Carolina states that it is a multi-division developer of industrial, commercial, multi-family, self-storage, and, importantly here, renewable energy projects. JDA is currently developing renewable energy projects in South Carolina. JDA has qualifying facilities under development and/or positioned in DESC's, DEC's, and DEP's interconnection queues that will be impacted by the decisions this Commission makes regarding the selection of an avoided cost methodology, calculation of the avoided cost, the term of length in years that the utility must offer for power purchase agreements to qualifying facilities, and the other terms and conditions this Commission finds necessary to adjudicate pursuant to the Act. JDA states that all of these issues squarely impact the economics and feasibility of JDA's renewable energy development projects. Accordingly, JDA believes that it has a direct and substantial interest in the outcome of these proceedings, as JDA's business interests will be directly affected by the presentation and resolution of the matters at issue under the Act. JDA's position and market presence relates directly to the details of these proceedings concerning Dominion, Duke Energy Progress, and Duke Energy Carolinas. For those reasons, among others, JDA's states that its interest in this proceeding cannot be adequately represented or protected by any other party.

JDA states that its participation in these Dockets would constructively add to the proceedings by contributing to the development of a complete record based on JDA's unique, significant interests in developing large development projects, especially those involving renewable energy, throughout the state. Further, JDA notes that its requests to intervene in these proceedings is in the public interest and is consistent with the policies of the Commission in encouraging maximum public participation in issues before it.

Pursuant to these facts, this Chief Hearing Officer holds that Johnson Development Associates, Inc. has successfully satisfied the three criteria for intervention stated in the Commission Regulation in all three avoided cost dockets. JDA's interest in these matters can clearly be discerned, as can the grounds for the intervention, and its position. There are no objections to the interventions. Accordingly, the three Petitions to Intervene of Johnson Development Associates, Inc. are hereby granted in these Dockets. This ends the Chief Hearing Officer's Directive.